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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/163,246	09/29/1998	KEVIN E. KALAJAN	08993/006001	9774

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EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 11/20/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/163,246

Applicant(s)

KALAJAN, KEVIN E.

Examiner

Barbara N Burgess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is in response to applicant's amendment filed on August 1, 2002. Claims 1-36 are presented for further examination.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 and 20-21, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 4 recites the limitation "HTTP-capable network" in line 4. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 20 recites the limitation "software program" in line 14. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 21 recites the limitation "software program" in line 19. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Krueger et al. (hereinafter "Krueger", 5,996,022).

As per claims 1 and 19, Krueger discloses a method, storage device, control program, and control device for a client to access data files residing on a first data server through a network comprising:

- Coupling a heterogeneous proxy server to the first data server through a first network protocol (column 2, lines 65-67, column 3, lines 21-45, column 5, lines 12-14);
- Receiving at the heterogeneous proxy server a data file from the first data server by employing the first network protocol (column 2, lines 66-67, column 3, lines 16-19, column 5, lines 12-14, column 8, lines 54-57, Abstract);
- Translating the data file into a format compatible with transmission through the network (column 5, lines 15-16, 22-38, column 6, lines 46-55, Abstract);
- Transmitting the translated data file to the client across the network (column 3, lines 3-4, column 8, lines 15-20, 50-53, column 9, lines 65-66, Abstract).

As per claims 2 and 20, Krueger discloses:

- A method, control program, and control device for sending a request from the client to the proxy server that the data file be received from the first data server and sent to the client (column 2, lines 62-63, column 3, lines 17-18, column 5, lines 64-65, column 6, lines 40-41, Abstract).

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As per claims 4 and 22, Krueger discloses a client computer system connected to one or more server computer systems over the Internet (column 2, lines 59-61, column 3, lines 14-15, 38-40). Therefore, Krueger implicitly discloses the method and storage device wherein the network employs Transport Control Protocol (TCP).

As per claims 5 and 23, Krueger discloses:

- The method and storage device wherein the format compatible with transmission through the network is Hypertext Transport Protocol (HTTP) (column 2, lines 62-64, column 3, lines 7-8, 14-15, 55).

As per claims 8 and 26, Krueger discloses:

- The method and storage device wherein the client employs an HTTP browser for connecting to the proxy server (column 3, lines 7-9, 14-20).

As per claims 9 and 27, Krueger discloses:

- The method and storage device wherein the client receives an HTML document from the proxy server containing information from the proxy server regarding available data files on the data server (column 7, lines 64-67, column 7, lines 1, 46-52).

As per claims 10 and 28, Krueger discloses:

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- The method and storage device wherein the HTML document allowing the client to send a request for the data file to the proxy server (column 8, lines 24-28).

As per claims 14 and 32, Krueger discloses:

- A method, storage device, and control program configured to compressing the data file at the proxy server before transmitting it to the client (column 5, lines 22-28, 36-38, 47-51, 59).

As per claims 15 and 33, Krueger discloses:

- The method, control program, and control device for emailing the data file from the proxy server to an email recipient (column 2, lines 59-67, column 3, lines 12-19).

As per claim 16 and 34, Krueger discloses:

- The method, storage device, control program, and control device having the proxy server search for data files at one or more data servers coupled to the proxy server (column 2, lines 29-34).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 13, 18, 21, 31, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger in view of Chang et al. (hereinafter "Chang", 5,974,449).

As per claims 3 and 21, Krueger does not explicitly disclose:

- Coupling heterogeneous proxy server to a second data server through a second network protocol, the first and second network protocols being different;
- Receiving at the proxy server a data file from at least one of the first or second data server by employing the respective first or second network protocols;

However, the use and advantages for coupling the proxy server to a second data server is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Chang (column 2, lines 2-10, 17-23, column 4, lines 2-9, 16-30, 42-55, column 7, lines 22-30).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate coupling the proxy server to a second data server through a second network in Krueger's method in order to expand the capabilities of the proxy server and increase the amount of data files or information a client can receive by employing different networks.

As per claims 17 and 35, Krueger does not explicitly disclose a method, storage device, control program, and control device authenticating the client before connecting the client to the proxy server. However, the use and advantages for authenticating the

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client is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Chang (column 10, lines 63-67, column 11, lines 1-3).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate authenticating the client in Krueger's method to enhance privacy and ensure that information is sent to the appropriate client.

As per claims 18 and 36, Krueger discloses:

- Sending a request from the client to the proxy server that the data file be received from the first data server and then sent to the client, wherein client employs an HTTP browser for connecting to the proxy server (column 2, lines 62-63, column 3, lines 17-18, column 5, lines 64-65, column 6, lines 40-41, Abstract);
- Selectively receiving at the proxy server a data file from at least one of the first or second data servers by employing the respective first or second network protocols (column 2, lines 66-67, column 3, lines 16-19, column 5, lines 12-14, column 8, lines 54-57, Abstract);
- Translating the data file into a format compatible with transmission through the network, comprising Hypertext Transport Protocol (HTTP) (column 5, lines 15-16, 22-38, column 6, lines 46-55, Abstract);
- Transmitting the translated data file to the client across the network (column 3, lines 3-4, column 8, lines 15-20, 50-53, column 9, lines 65-66, Abstract).

Krueger does not explicitly disclose:



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- Coupling heterogeneous proxy server to a second data server through a second network protocol, the first and second network protocols being different;
- Receiving at the proxy server a data file from at least one of the first or second data server by employing the respective first or second network protocols;

However, the use and advantages for coupling the proxy server to a second data server is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Chang (column 2, lines 2-10, 17-23, column 4, lines 2-9, 16-30, 42-55, column 7, lines 22-30).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate coupling the proxy server to a second data server through a second network in Krueger's method in order to expand the capabilities of the proxy server and increase the amount of data files or information a client can receive by employing different networks.

10. Claims 6 and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger in view of Busey et al. (hereinafter "Busey", 5,764,916).

Krueger does not explicitly disclose a method and storage device wherein the format compatible with transmission through the network being a Multipurpose Internet Mail Extension (MIME) of HTTP. However, the use and advantage for using MIME is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Busey (column 3, lines 59-65).

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Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate MIME of HTTP in Krueger's accessing data files method to enable transmission and reception of files with graphics, audio, and video contents or as email files.

11. Claims 7, 13, 25 and 31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger in view of Scholl et al. (hereinafter "Scholl", 6,145,001).

As per claims 7 and 25, Krueger does not explicitly disclose the method and storage device wherein first and second local network protocols each comprise one of the following: Windows Networking (SMB), Network File System (NFS) and File Transfer Protocol (FTP), Banyan VINES, DECNet, or AppleTalk. However, the use and advantages for using such protocols is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Scholl (column 1, lines 33-37, 50-54).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate one of these protocols in Krueger's method in order files to be transferred from one computer to another.

As per claims 13 and 31, Krueger does not explicitly disclose the method and storage device wherein the browser, upon receiving the data file, initiates an appropriate application for using the data file (column 8, lines 9-14, 20-26). However, the use and

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advantages for using such application is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Scholl (column 1, lines 49-54).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate the use of an application in Krueger's method in order the client to interact with different information formats for files and documents including text, sound, and graphics.

12. Claims 11, 12, 29, and 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger in view of Butts et al. (hereinafter "Butts", 5,754,830).

As per claims 11 and 29, Krueger does not explicitly disclose the method, storage device, and control program allowing the client to download an applet executable by the HTTP browser to receive information from the proxy server regarding available data files on the data server. However, the use and advantage for allowing the client to download an applet is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Butts (column 1, lines 59-65, column 3, lines 56-65).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate downloading of an applet to the client in Krueger's accessing data files method to enable to the client to receive the

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necessary information from the proxy server regarding the available files on the data server.

As per claims 12 and 30, Krueger does not explicitly disclose the method and storage device wherein the applet is configured to send a request for the data file to the proxy server. However, the use and advantage for the applet being configured to send a request for the data file is well known to one skilled in the relevant art at the time the invention was made as evidenced by Butts (column 4, lines 8-11, column 6, lines 30-32).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate the applet being configured to send a request for the data file in Krueger's accessing data files method allowing the client to request and gain access to the files on the data server through the proxy server.

### ***Response to Amendment***

13. The declaration filed on August 22, 2002 under 37 CFR 1.131 has been considered but is ineffective to overcome the Krueger et al. reference.

14. The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the April 28, 1998. The email submitted as evidence of prior reduction to practice is

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insufficient in that it does not provide information to the claimed invention. Therefore, the date of the email is not taken into consideration.

### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,764,918 to Poulter

U.S. Pat. No. US 6,185,616 B1 to Namma et al.

U.S. Pat. No. 5,790,800 to Gauvin et al.

U.S. Pat. No. US 6,356,934 B1 to Delph

U.S. Pat. No. 5,077,655 to Jinzaki

U.S. Pat. No. 5,805,803 to Birrell et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-5:00pm).

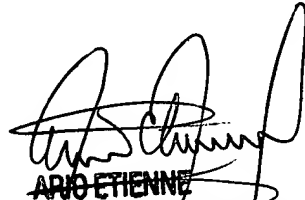
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (703) 308-7562. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 305-7201 for regular communications and (703) 308-5359 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Barbara N Burgess  
Examiner  
Art Unit 2153



ARJO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100